

16 September 1982

MEMORANDUM FOR: Director, Office of External Affairs

FROM: [REDACTED]

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Deputy Chief, Public Affairs Division

SUBJECT: Impressions on How to Deal With Unauthorized Disclosures

1. The other day you asked me to bring my public affairs experience to bear on the problem of leaks and to provide my views to you. In addition to ruminating on a variety of unauthorized disclosure cases that have brought me into contact with the Office of Security over the years, I have learned that a comprehensive study on the subject by the Intelligence Community has been prepared. This study and a related draft National Security Decision Directive have been on Judge Clark's desk since April. [REDACTED]

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2. My own views on the problem of dealing with leaks correspond closely with the recommendations embodied in the IC study and draft NSDD which have the approval of the DCI and the Attorney General (see attachment). A few of these recommendations require no amplification here:

- new legislation to strengthen existing criminal statutes;
- Government-wide use of secrecy agreements;
- effective internal investigations and appropriate sanctions;
- FBI investigations even in circumstances in which outcome would result in imposition of administrative sanctions rather than criminal prosecution; and
- broader use of polygraph examinations. [REDACTED]

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3. There are other security considerations, however, that are worthy of comment. An important aspect of creating more effective security programs within U.S. Government departments and agencies is the education of senior officials. In my experience senior officials have been viewed as the primary sources of leaked intelligence information. Their justification for releasing such material apparently revolves on the expedient assumption that policy and political considerations outweigh security considerations. In some cases they may be right, but one could argue with great credibility that most releases are ultimately more harmful than beneficial. One can also assume that such officials, often political appointees, are less informed about intelligence equities than their career subordinates. Greater emphasis must be placed on the education of these officials on the sensitivities involved in protecting sources and methods. [REDACTED]

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4. The current CIA Director of Security, [] has been very impressive at several functions at which he presented a briefing on the subject of leaks. His presentation should be videotaped and disseminated throughout the Government where mandatory viewing should be imposed on anyone gaining access to classified intelligence information. Emphasis must be placed on the mandatory nature of this obligation. Security orientations designed specifically for senior officials have existed for some time, but attendance at these orientations is voluntary. []

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5. One of the major stumbling blocks in obtaining judicial results from investigations of leaks is the bureaucratic maze and red tape that exist in the Department of Justice. The CIA can provide appropriate information to Justice in a matter of days, but slow processing in Justice and subsequent tardy referral to the FBI frustrate efforts to achieve any successful prosecutions. The only way to resolve this obstacle is through appeal to the Attorney General to simplify the procedures that are currently being followed at Justice []

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6. There is a palpable lack of vigor demonstrated by most agencies' security components in the investigation of leaks. CIA security officers are dismayed by the lack of cooperation that exists in dealings with their counterparts. Timidity is manifested in the handling of virtually every referral for help in identifying the leakers, especially when the suspects are senior officials. Obviously, security officials in these agencies and departments should be given sufficient immunity within the bureaucracies that would permit vigorous responses to requests for investigations. Once again, it is necessary to gain the support of high-level officials to ensure that proper attention to CIA concerns about unauthorized release of its materials is obtained. []

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7. Few agencies have comprehensive and regular reinvestigation programs designed to ensure that employees are good security risks and are security conscious. Such programs are expensive and must be weighed carefully during budget negotiations. It is necessary to encourage other agencies in the utility of developing such programs and convince them that the continued availability of good intelligence is at stake. []

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8. The IC study and draft NSDD mentioned above recommend that appropriate limitations should be placed upon contacts between media representatives and Government officials to reduce the opportunity for negligent or deliberate disclosures of classified information. This stipulation was the subject of much debate in February when Judge Clark expressed public concern about leaks of NSC material. The resultant NSDD-19 omitted all reference to tighter restrictions on contacts with the press even though earlier drafts had contained such phraseology. The arguments for including such wordage in the NSDD now under consideration are controversial, but such language should be incorporated in the final document. Far too many leaks occur in the intimacy of one-on-one contacts with media representatives and some strong measures must be imposed to curb these kinds of unmonitored situations. []

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9. Another suggestion that has been raised over the years concerns better controls on copying classified documents. The costs involved in such an effort are apparently astronomical but should continue to receive consideration in the future. At a minimum, DDI analysts could be asked to review carefully the list of consumers receiving their intelligence products to ensure that only those with demonstrable needs have access. Too often finished intelligence is disseminated to individuals and organizations on master lists, and no effort is made to tailor distribution [redacted]

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10. There has never been a successful criminal prosecution of an individual who leaked classified information! It is necessary to implement more effective measures to deal with this serious problem. An energetic approach is outlined in the materials that now reside in Judge Clark's office. What is their status? What will be the end product? Without a meaningful, energetic move by the White House, there will be no improvement in efforts to curtail senseless leaking of information that must be protected to ensure its continued receipt. [redacted]

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11. Ultimately, however, there is only one event that would establish an example and precedent: the successful prosecution or firing of a leaker positioned at high levels in Government! A less effective but still useful move would be an announcement by the President at a press conference that anyone found releasing classified information without proper authorization would be fired and prosecuted within the full limits of the law. [redacted]

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OEXA:PAD [redacted] (16 Sept 82)

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